

**Local Agency Formation Commission
Of Modoc County
Regular Meeting**

Minutes of December 11, 2012

1. Call to Order:

Chairman Dederick called the meeting to order at 5:00 pm, in the City Council Chambers, Alturas City Hall. Commissioners Allan, Irvin, Neer, and Dederick were present. Commissioner Alternate Jerry Shea was also present, as well as Planning Director Kim Hunter. Commissioner Bullock is absent.

Staff Present: John Benoit, Executive Officer and Stephanie Wellemeyer, Clerk

Pledge of Allegiance

2. Approval of Agenda

Commissioner Neer made the motion to approve the agenda as submitted; seconded by Commissioner Allan. In favor: All present.

3. Update relating to the provision of ambulance services in the Northwestern area of Lassen County and Southwestern area of Modoc County.

Executive Officer Benoit reports that he sat on a two hour conference call the other day, with Commissioner Allan as well, to discuss this issue. This is community driven to find a solution, which one idea they liked was to form a Joint Powers Authority between the three fire districts. He got information from the Assessor's Office to the community leaders and they will approach the fire district boards this week to provide them this information. In the interim they will be doing basic life support, until they can raise funds to go to a higher level. He did contact other fire districts that are in JPAs to give them an idea to work with. He has continued to tell them that they need to work with legal counsel to make sure that they file everything appropriately. They need to work on their goals. They may decide to do a special assessment tax, but he has mentioned that a special property owner needs to be considered. If an individual has 20 properties should he pay 20 fees or should it be different, but that is up to them to decide.

(Commissioner Bullock enters the meeting.)

Commissioner Allan feels that LFHD needs to take a stand and say what they are willing to do. COO Kevin Kramer was told that he should go before his board and that the people here are not shy and the talk of money doesn't intimidate them. He gave them two different figures and no one had winced, but COO Kramer stated that his board was only interested in basic life support. The thought of bonds and elections didn't appeal to the community members so much. He did feel that the meeting was a good success since they are more focused now.

Executive Officer Benoit states if they raise revenue they can choose to contract services with LFHD, MMHD, or Susanville. Both agree that there seems to be less tension in the air now. He states this comes down to the community members needing to help themselves. He will help provide staff support and providing resources where needed.

Commissioner Bullock asks about the agreement between the County and the Healthcare District that states they won't eliminate services. Executive Officer Benoit says it doesn't necessarily state that in the document. Commissioner Allan reports that services will stay in effect until June, but they are working on a solution. Commissioner Bullock asked them to talk to John Kenny about that. Commissioner Allan states this is time sensitive and everyone is well aware of that.

Commissioner Alternate Shea asks how much responsibility LAFCo has besides the forming of the districts, in relation to the workings of the districts. We have none, but we are helping them to arrive at an acceptable solution.

Commissioner Allan discusses the conversation with Dan Spiess regarding any ties that bind between a county hospital to a district, etc. He also states that we need to put an end to these meetings that are well intended but no action; they need to get down to what actually needs to get done before June. He was able to explain how they got Surprise Valley up and running.

4. Correspondence.

None to report at this time.

5. Approval of Minutes for August 21, 2012 and October 16, 2012.

Commissioner Bullock made the motion to approve the minutes with changes; seconded by Commissioner Neer. In favor: Unanimous.

6. Public Comment

Larry Moore attended the Ethics Training and reports that it was a very good class. It would be beneficial to the special districts to attend. He asks if anyone keeps track of these. Clerk Wellemeyer reports that they were all invited and she sent certificates to those that attended and provided them with online information to do the class online as well. He asks if the board can recommend that these districts take this training. The board could send a letter of invitation but it is up to the districts on whether they decide to attend or not. Discussion ensues on the topic. They could possibly see about amendments to legislation to make this more stringent.

7. Park and Recreation Municipal Service Review and Sphere of Influence and Sphere of Influence for the Modoc Park and Recreation District.

- a. *Receive Executive Officer's Report and conduct public hearing on the Municipal Service Review for services provided by the Modoc Park and Recreation District and a Sphere of Influence for the Modoc Parks and Recreation District.*

Commissioner Dederick opens the public hearing. Executive Officer Benoit states this is a Service Review and the Sphere of Influence is to be coterminous. It's been said that this district doesn't serve a purpose, but they have received interest and they do a lot of things for the community. It was all formed when they were working on forming an aquatic center, which almost passed. They can receive grants and request tax funding. They do work with groups to provide activities. They need to have a set schedule for meetings, which he recommends at this time quarterly meetings. He doesn't feel they should have any boundary changes.

Commissioner Bullock asks about the governing body and if they are appointed. Clerk Wellemeyer states are appointed by the BOS which they reappointed them two weeks ago. He also asks about bylaws. Executive Officer Benoit reports this is something that they have problems with many of the districts in regards to having bylaws. They are to review those at a district level.

Commissioner Dederick asks if the districts are required to have bylaws. Executive Officer Benoit would think they would be. Commissioner Bullock was under that impression, because he read that in the Brown Act. He isn't convinced that this district is needed because he doesn't feel that they have done anything. Commissioner Dederick reports that was up to the voters. Executive Officer Benoit states we can look at them again when the time comes and determine what to do with them after this.

Commissioner Alternate Shea asks if LAFCo should send something out to require that they get their bylaws done. Commissioner Neer doesn't think we should do that because we would then have to do that with all of them. Executive Officer Benoit states he wouldn't recommend that either.

They can review the districts and if they're not functional than they can dissolve the district. Commissioner Neer feels we should give them fair warning before that happens. Executive Officer Benoit doesn't feel that we are talking about that at this time. Commissioner Allan asks if it did come to that, what would happen to the money they have in an account. Executive Officer Benoit reports it would probably go to the county general fund, unless there is a successor or another district wants to take them over.

Commissioner Allan mentions the Surprise Valley RCD and that they haven't met in at least two years. He asks if dissolution should be considered for them. Executive Officer Benoit doesn't understand why they would be inactive because there is so much they could do out there. Commissioner Allan got the feeling it was kind of like what's the point because there are so many other entities involved.

Commissioner Dederick closes the public hearing.

b. Consider Resolution 2012-0008 approving a Municipal Services Review for

- services provided by the Modoc Park and Recreation District.*
- c. *Consider Resolution 2012-0009 approving a Sphere of Influence update for the Modoc Park and Recreation District.*

Commissioner Neer made the motion to adopt Resolution 2012-0008 approving a Municipal Services Review for services provided by the Modoc Park and Recreation District as well as Resolution 2012-0009 approving a Sphere of Influence update for the Modoc Park and Recreation District; seconded by Commissioner Irvin. In favor: Unanimous.

8. Set Regular Meeting Schedule for 2013

- a. *Discuss, Review and Approve Regular Meeting Schedule for 2013*

Executive Officer Benoit wanted to set this before 2013 gets here, but he does have a question. February 12th is Lincoln's birthday and asks if that is a holiday or not. He asks if the 13th would be better. Clerk Wellemeyer reports that they haven't received the holiday schedule for 2013 so she's not sure if that is a holiday or not. She thinks it might be on a Monday instead of a Tuesday if they do celebrate that as a holiday. Discussion ensues and it is decided they will leave the schedule as is until further notice.

Commissioner Bullock made the motion to approve the meeting schedule for 2013; seconded by Commissioner Neer. In favor: Unanimous.

9. Ratify Claims for October 2012 and Authorize Payment of Claims for November 2012.

- a. *Approve payment of expenses for October 2012 and ratification of the November 2012 expenses.*

Commissioner Bullock made the motion to approve payment of expenses for October 2012 and ratification of the November 2012 expenses; seconded by Commissioner Allan. In favor: Unanimous.

10. Executive Officer's Monthly Report

Executive Officer Benoit reports Commissioner Bullock had asked him about a draft agreement between Likely and Madeline. He did that and the next step is to present that to the district boards. He talked to Supervisor Hansen in Lassen and it would probably be to cover costs from Likely. Madeline would need to indemnify Likely as well. This should remedy the situation.

The Fall River CSD was trying to extend their sphere. However the Shasta LAFCo denied that application because they didn't have an MSR and Sphere of Influence update. He had sent a letter stating that a lot of money had been done to update other spheres and they would have to pay them to change all of those.

The Hot Springs Valley Water District is coming along. He would like to get the Sphere done by the next meeting. He has been provided with a map but it wasn't a great map and he couldn't see the district lines.

As far as South Fork he is also working on getting a correct map and they will be working on that as well.

The Odgers Annexation is finally complete. The surveyor lost all of his electronic files, so he provided what he had and they scanned it in and sent them to the State and they accepted it.

He believes the Mayers Healthcare District has a problem there with a Sphere as well, because they haven't done an update. Another issue is they have an assessment in place which could jeopardize the people out there that could be taxed for their ambulance service. They were going to send notice to all of the land owners, but the law only requires a notice in the paper, so the people may not be notified directly. They just want to go in and tax these people and that's it. Commissioner Allan felt they were hesitant to do much because they don't want to jeopardize their new hospital. Executive Officer Benoit reports there is concern about this annexation out there and some of the citizens are upset about it. Discussion has also been about duplication of service which he doesn't believe this is.

Commissioner Bullock states he was reading about annexation and if there are 25% of people that are opposed it would have to go to a vote of the people. That is correct. It does sound that the Lassen Board will be writing a letter of opposition to this. Executive Officer Bullock asks if Modoc should do the same. He will talk to CAO Robertson about it and he can bring that information to the Board. He feels that they should consider rescinding their resolution.

11. Commissioner Reports - Discussion

Commissioner Bullock did pass on the agreement to the Likely Fire Department and that is on their agenda tonight.

Commissioner Dederick states they discussed putting together a resolution for the City of Alturas to begin the annexation proceeding. Executive Officer Benoit will contact Planning Director Hunter to find the file on that so he can begin that process. Commissioner Dederick feels they need to get this done because they have been getting a lot of vandalism out there and he would like to see the City Police patrolling out there.

Commissioner Alternate Shea states this is Commissioner Bullock's last meeting and that it has been a pleasure serving with him. Commissioner Bullock thanks him and everyone else stating he has learned a lot and that he really enjoyed the conference and recommends that to everyone. Commissioner Alternate Shea also wishes Commissioner Alternate Crabtree well since this is his last meeting as well.

There being no further business to come before this Commission; Commissioner Allan made the motion to adjourn the meeting; seconded by Commissioner Bullock. In favor: Unanimous

Meeting adjourned at 6:04 p.m.